

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Randy L. Helland,

Civil No. 10-31 (RHK/LIB)

Plaintiff,

**ORDER**

vs.

St. Mary's Duluth Clinic Health System,

Defendant.

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Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, to which no Objections have been interposed with respect thereto, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 42) is **ADOPTED**; and
2. Defendant's Motion to Dismiss (Doc. No. 34) is **GRANTED**; and
3. Plaintiff's Complaint (Doc. No. 1) is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 11, 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge